IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SIXTEENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 23227 of 2004

Between:

Sadu Dhananjaya Naidu, s/o Gangi Naidu,
r/o Vengareddypalle Village, H/o Thenabanda,
Chittoor District.

..... PETITIONER

AND

1 The District Collector, Chittoor, Chittoor District.
2 The Revenue Divisional Officer, Chittoor, Chittoor District.
3 The Mandal Revenue Officer, Chittoor Mandal, Chittoor District.

..RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to to issue, a writ, order or direction more particularly one in the nature of writ of mandamus: declare the inaction on the part of the 2nd respondent in considering and dispose of the appeal No.ROC M/4325/2002 which is pending on his file in the light of under Section 4(1)(b)of A.P.Assigned Lands (Prohibition of Transfer) Act 1977 as against the orders of the 3rd respondent vide ROC A1199/2000 dt.7-9-2002 amounts to erroneous arbitrary and violative of Art.14, 21 and 300(A) of the Constitution of India and consequently set aside the proceedings of the 3rd respondent vide ROC A/1199/2000 dt.7-9-2002 and to pass necessary order or orders

Counsel for the Petitioner:MR.T.C.KRISHNAN

Counsel for the Respondents.: GP FOR REVENUE

The Court at the stage of admission made the following :

ORDER:

The brief facts which led to filing of the present writ petition are that vide proceedings dated 27-6-1955, land to an extent of Ac.1-10 cents in Survey No.941/14, Thenabanda Revenue village was assigned to petitioner's great grand father, who stated to have cultivated the same till his death in the year 1986. Thereafter petitioner's father i.e., Mr.Gangi Naidy and his brother Krishnama Naidu stated to have addicted to bad vices and violated the DKT patta conditions and vide proceedings No.F/837/1998 dated 17-9-1998 the assignment was cancelled. The petitioner contends that he is unaware of the cancellation proceedings and he is in continuous possession of the subject land. It is stated that on 2-7-2000, when the Mandal Revenue Officer and his subordinates tried to dispossess him from the subject land, he came to know about the cancellation of the assignment and resumption of the subject land in favour of the Government. Thereafter, the petitioner made an appeal before the second respondent on 21-8-2000. On consideration of the matter, the second respondent allowed the appeal and remanded the matter to the Mandal Revenue Officer directing him to afford opportunity to the petitioner and to settle the issue on merits. Thereafter, a notice dated 4-7-2000 was issued to petitioner and petitioner submitted his explanation and material in support of his claim. Thereafter on consideration of the matter, the Mandal Revenue Officer, passed orders dated 7-9-2002 canceling the assignment under Section 4 (1) of Act 9 of 1977 and directed the Secretary, Cherlopalle Grampanchayat to protect the land. Questioning the said proceedings, the petitioner herein approached this Court by

filing W.P. 19562 of 2002 and the same was disposed by order dated 7-9-2002. The operative portion of the said order, reads as under:

> " The writ petition is accordingly disposed of directing the petitioner to avail the remedy of appeal. If the petitioner prefers such an appeal, the Revenue Divisional Officer shall dispose of the same as expeditiously as possible and not later than four months from the date of receipt of this order. No costs."

It is also stated that the petitioner has preferred an appeal before the Revenue Divisional Officer, to set aside the order passed by the 3rd respondent and to restore the land. The petitioner alleges that the appeal is pending and since no interim orders were granted, the third respondent is trying to assign the subject land to third parties. Hence, the present writ petition seeking a direction to the second respondent to dispose of the appeal.

The appeal filed by the petitioner is pending consideration before the Revenue Divisional Officer, and on earlier occasion in W.P. No. 19562 of 2002 this Court has directed to dispose of the appeal expeditiously. In stead of pursuing his remedies before the second respondent for disposal of his appeal, the petitioner has once again approached this Court, which cannot be permitted. There are no merits warranting interference by this Court. Accordingly, the writ petition is dismissed. No costs.

N.V.RAMANA,J

16-12-2004

TVK

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The District Collector, Chittoor, Chittoor District.
2 The Revenue Divisional Officer, Chittoor, Chittoor District.
3 The Mandal Revenue Officer, Chittoor Mandal, Chittoor District.

4.2CCs to G.P. for Revenue, High Court of A.P., Buildings, Hyderabad

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